

Notice of Allowability

Application No.

10/669,037

Applicant(s)

HUANG, ALBERT

Examiner

Art Unit

Anatoly Vortman

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 9/23/03.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 23 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

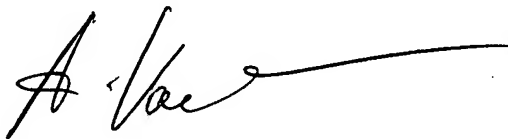
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Anatoly Vortman
Primary Examiner
Art Unit 2835

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1, line 1 of the claim, [overloading] has been replaced with --overload--.

The aforementioned amendment has been made in order to correct minor informality and without changing the scope of the claim.

2. The following is an examiner's statement of reasons for allowance:

The allowability resides in the overall structure of the device as recited in claim 1, and at least in part, because claim 1 recites: "first extension and a second extension both extending from a bottom face of the button", "a conductor securely attached to the primary leg", and "a deformation formed on a mediate portion of the bi-metal plate". The aforementioned limitations in combination with all remaining limitations of claim 1, are believed to render claim 1 and all claims dependent therefrom patentable over the art of record.

Applicant's Admitted Prior Art (AAPA) teaches all of the recited elements (Fig. 6, 7), but the conductor securely attached to the primary leg, as required by claim 1 of the instant application.

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The another close reference to the present invention is believed to be US/5,936,505 to Yu.

Yu disclosed (Fig. 1) an overload protection switch comprising: a housing (10); a button (20) pivotally connected to an upper portion of the housing (10); a primary leg (12) securely engaged with an inner side face of the housing (10) and partially extending out of the housing (10), the primary leg (12) having a first contact (121) securely mounted on a top portion of the primary leg (12); a second primary leg (11) securely received in the housing (10) and partially extending out of the housing (10), and a bi-metal plate (13) securely connected to a top portion (110) of the second primary leg (11) and having a second contact (131) securely mounted on a top portion (130) of the bi-metal plate (13) to selectively engage with the first contact (121), whereby current passing through the switch will raise the temperature of the bi-metal plate as well as the temperature of the conductor so that the deformation of the bi-metal plate is forced to deform in advance to protect a sensitive electrical appliance connected to the switch, but did not disclose a deformation formed on a mediate portion of the bi-metal plate, a first extension and a second extension both extending from a bottom face of the button, and a conductor securely attached to the primary leg, as required by claim 1 of the instant application.

The examiner has also cited the following pertinent to the present invention references:

US/4528538, 6469610, 5223813, 5491460, 6275134, 6469610, 3534313, 3562689, 20050134421, and DE/19746589 disclosed thermally actuated switches with pivotally mounted buttons.

None of the cited references either taken alone or in combination is believed to render the present invention unpatentable as claimed.

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3. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV



Anatoly Vortman
Primary Examiner
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